UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,829	09/03/2003	Alvin Stanley Cullick	5460-01101	4127

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EXAMINER
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ART UNIT	PAPER NUMBER
2128	

MAIL DATE	DELIVERY MODE
04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 10/653,829	Applicant(s) CULLICK ET AL.	
	Examiner Cuong V. Luu	Art Unit 2128	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>29 March 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: *See Continuation Sheet.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1, 3-10, 12-13, 15-21, 23-31, 42, 44-48.*

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 3. NOTE: The amended claims 1, 10, 13, 17, 19, 21, 42, and 48 raise new issue. such as "one of the models of said set of models is a geocellular resevoir model"..

Continuation of 11. does NOT place the application in condition for allowance because:
o The amended claims raise new issue that requirefurther consideration and search.

o Regarding the Applicant's arguments about claim 31 that it is not proper to identify three different sets of objects in the cited reference with the first case and second case recited in claim 31, see page 13. Landmark teaches:
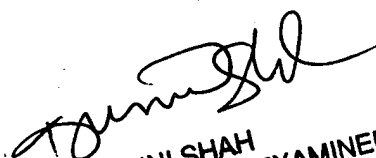   receiving user input to assemble a first case comprising models and planning variables (p. 137, Decision Trees section. Landmark teaches designing cases that approximate the mean value of a stochastic model. This is regarded as assembling a first case comprising models and planning variables);
   receiving user input to assemble a second case based on the first case (p. 53, section Entering Reservoir Level Data. This section's teaching of creating a new case from a previous case suggests this limitation);
   storing the first case, the second case and difeferences between the first and second case in a memory medium (Teras teaches creating storing cases on page 52, section Creating a New Evaluation. In this section Teras teaches creating a new evaluation by modifying what was created in Tutorial 1. This definitely indicates storing first case, which is Tutorial 1, in a memory medium since it has to be stored for retrieval later for creating a new evaluation, which is regarded as the second case. Based on this storing a first case, it is clear that the second case can be stored also. Therefore, Teras teaches storing the first case and the second case in a memory medium. Teras teaches entering global data for Tutorial 1, which would not be changed for a new evaluation or case, (p. 52, section Entering Global Level Data) this and only changing lower level data for each evaluation or case (p. 53). Global Level section on page 159 and Creating Shared Screen section on page 171 describe creating configurations at global level that would not change for subsequent evaluations. The Examiner regards these teachings as storing differences between cases in memory medium since cases' different settings are created in their own databases);
   displaying an indication of the first case, second case, and a parent child relationship between the first case and second case (p. 179 and p. 180, section Adding a project to the evaluation. In these sections Teras teaches project hierarchy and GUI displaying hierarchical structure of projects. In addition, on page 180 Teras teaches the capability of adding a project below any project in the evaluation. The project here is regarded as a case. Therefore, this teaching is regarded as a case under another case, which is a parent-child relationship. These teachings read on this limitation according to a parent-child relationship as defined by the applicant's specification on page 43, paragraph 3 of this page and figure 13)
   conditionally displaying the differences between the first case and second case in response to a user request (Since these settings, as discussed in limitation "storing the first case, the second case and differences between the first case and second case in a memory medium" above, can be displayed if users access them by clicking on their tabs. It would be obvious for users to display differences between the 2 cases by clicking on the second case tab, which stores only differences, to display them. This is regarded as Teras' teaching of conditionally displaying the differences between the first case and second case in response to a user request).

KAMINI SHAH
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